

REMARKS

Claims 13-30 are pending. Claims 13-22 stand rejected under 35 U.S.C. 101 as not being appropriately directed statutory subject matter. Claims 13, 16-25 and 27-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by US patent application publication No. 2002/0124082 (hereinafter Andres). Claims 14 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Andres in view of US patent No. 7,171,468 (hereinafter Yeung). Applicant respectfully requests reconsideration of the rejections, and further requests allowance of the pending claims in view of the foregoing amendments and the following remarks.

Independent claim 13, as amended, is directed to a "computer-readable device", also referred to as a "Beauregard claim". It is a claim to an article of manufacture embodied as a computer-readable device and instructions. It does not qualify as a process under Section 101 and therefore not subject to the "machine-or-transformation" test. See *Diamond v. Diehr*, 450 U.S. 175 (1981) which requires that two separate inquiries must take place. First, the claim must qualify as a "process," as that term has been interpreted by the courts. *Id.* at 181-84. Moreover, a "Beauregard Claim" of this nature is considered statutory at the USPTO as a product claim. (MPEP 2106.01). Accordingly, claim 13 is appropriately drawn to patent-eligible subject matter under § 101 and this basis of rejection should be withdrawn.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

Independent claim 13 is directed to a computer-readable device for visualizing structured data. As amended, claim 13, in part recites a folder associated with a folder property to be processed by the first application when the first application is launched by the user. Claim 13 further recites a folder icon representing the folder property to be processed by the first application when the first application is launched by the user. The folder icon is displayed via the display mechanism. The first application is launched by the user to process the folder property displayed in the folder icon via the first application link. See at least paragraph 0007 of the US patent application publication of the present invention.

Applicant is aware that Andres describes some properties (i.e., descriptive properties that do not involve any launching action) which are viewable. Andres additionally describes some properties that are expressly non-viewable. More particularly, Andres describes that information needed to launch the appropriate client and server components of a corresponding on-line service is expressly non-viewable. See paragraph 0008 of Andres.

Anticipation under 35 U.S.C. §102 requires that “The identical invention must be shown in as complete detail as contained in the ...claim.” (Citations omitted) One skilled in the art will appreciate that Andres fails to describe or suggest “a folder icon representing the folder property to be processed by the first application when the first application is launched by the user, the folder icon displayed via the display mechanism . . . wherein the first application is launched by the user to process the folder property displayed in the folder icon via the first application link,” as set forth in the claimed invention. Therefore, Andres is not an appropriate reference for sustaining a rejection of claim 13 (and claims depending there from) under the §102 statutory requirements and this basis of rejection should be withdrawn.

Claim 23 is directed to a method for visualizing structured data via a display mechanism associated with a computing device. Applicant respectfully submits that Andres fails to describe or suggest “providing a folder icon representing the folder property which is to be processed by the first application when the first application is launched by the user, an object icon representing the object, and a component icon representing the first application for processing the folder property, the icons displayable by the display mechanism . . . launching the first application to process the folder property, wherein the launching is performed by the user via the component icon”. Therefore, Andres also is not an appropriate reference for sustaining a rejection of claim 23 (and claims depending there from) under the §102 statutory requirements and this basis of rejection should be similarly withdrawn.

In connection with the 103 rejections of claims 14 and 26, applicant notes that Yeung fails to remedy the basic deficiency of Andres noted above in connection with the claimed invention. Accordingly, the combination of Andres and Yeung fails to constitute a *prima facie* combination of references for sustaining a 103 rejection of claims 14 and 26. Consequently, this basis of rejection should also be withdrawn.

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16(c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: May 15, 2009

By: Janet D. Hood
Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830